

**In the United States Court of Appeals  
for the Eighth Circuit**

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MOREHOUSE ENTERPRISES, LLC d/b/a BRIDGE CITY ORDNANCE, *et al.*,  
*Plaintiffs-Appellants,*

*v.*

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, *et al.*,  
*Defendants-Appellees.*

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On Appeal from the United States District Court for the  
District of North Dakota, Case No. 3:22-cv-116 (Hon. Peter D. Welte)

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**Motion of Gun Violence Prevention Groups for Leave to File  
Brief as *Amici Curiae***

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*Counsel for Proposed Amici Curiae Gun Violence Prevention Groups*

Pursuant to Federal Rule of Appellate Procedure 29(a)(2), Brady, Everytown for Gun Safety Action Fund (“Everytown”), and March For Our Lives (“MFOL”) (together, the “Gun Violence Prevention Groups”), hereby move for leave to file the attached *amicus* brief in support of Defendants-Appellees.

Defendants-Appellees, the Private Plaintiffs-Appellants, and State Plaintiffs-Appellants Louisiana and West Virginia consent to the Gun Violence Prevention Groups’ request for leave to file an *amicus* brief. Undersigned counsel contacted counsel for the remaining State Plaintiffs-Appellants on December 1 and 4, 2022 to inquire whether State Plaintiffs-Appellants would consent to the filing of the *amicus* brief, but—other than counsel for Louisiana and West Virginia—counsel for the State Plaintiffs-Appellants did not respond.

Brady is the nation’s longest-standing nonpartisan, nonprofit organization dedicated to reducing gun violence through education, research, and advocacy. Brady has researched the prevalence of ghost guns, created resources to demonstrate the ease with which ghost guns can be obtained and assembled, and advocated on behalf of commonsense measures to stop the spread of ghost guns.

Everytown is the largest gun-violence-prevention organization in the nation. Everytown has advocated on behalf of measures to limit the proliferation of unserialized guns and studied the detrimental effects of these guns on safety and federal and state laws.

MFOL is a nationwide organization of young people who committed to advocating on behalf of sensible gun-violence-prevention policies. MFOL has fought to curtail the rapid rise of ghost guns and has focused on the deadly effects of ghost guns on teenagers.

Proposed *amici* regularly submit *amicus* briefs regarding gun violence and laws and regulations bearing on such violence.<sup>1</sup> They have litigated cases concerning ghost guns in particular.<sup>2</sup> Proposed *amici* filed an *amicus* brief in the action below and also filed *amicus* briefs in

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<sup>1</sup> See, e.g., Brady Br., *New York State Rifle & Pistol Ass’n, et al. v. The City of New York, et al.*, No. 18-280 (S. Ct. May 14, 2019); Everytown Br., *Kim Rhode, et al. v. Xavier Becerra, et al.*, 20-55437 (9th Cir. June 19, 2020); MFOL Br., *Estados Unidos Mexicanos v. Smith & Wesson Brands, Inc., et al.*, 21-CV-11269, ECF No. 125 (D. Mass Feb. 3, 2022).

<sup>2</sup> See, e.g., *Everytown for Gun Safety Action Fund, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.*, 20-CV-6885 (S.D.N.Y.) (filed Aug. 26, 2020); *Mayor and City Council of Baltimore v. Polymer80, Inc., et al.*, 24-C-22-002482 (Cir. Ct. Baltimore Cty.) (filed June 1, 2022).

two parallel litigations related to ghost guns in the Northern and Southern Districts of Texas.<sup>3</sup>

Given their deep expertise and interest in the subject-matter at issue in this litigation, proposed *amici* submit that the attached brief setting forth their views will provide the Court with timely assistance in its consideration of the lawful regulation of “ghost guns” and their core components. Accordingly, proposed *amici* respectfully request leave to file the attached *amicus* brief.

December 5, 2022

Respectfully Submitted,

By: /s/ Kathleen R. Hartnett

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<sup>3</sup> Gun Violence Prevention Groups Br., *Morehouse Enterprises, LLC, et al. v. Bureau of Alcohol, Tobacco, Firearms and Explosives, et al.*, 22-CV-116, ECF No. 66 (D.N.D. Aug. 16, 2022); Gun Violence Prevention Groups Br., *Division 80 LLC v. Merrick Garland, et al.*, 22-CV-148, ECF No. 24-1 (S.D. Tex. July 8, 2022); Gun Violence Prevention Groups Br., *VanDerStok, et al. v. Merrick Garland, et al.*, 22-CV-691, ECF No. 59 (N.D. Tex. Sept. 8, 2022).

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## **CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rules of Appellate Procedure 27(d)(1)(E), 27(d)(2), and 32(a), I hereby certify that the foregoing motion complies with length, typeface, and type-style requirements. This motion contains 548 words and was prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font.

December 5, 2022

Respectfully Submitted,  
By: /s/ Kathleen R. Hartnett

## CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished through this Court's CM/ECF system.

December 5, 2022

Respectfully Submitted,  
By: /s/ Kathleen R. Hartnett